

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 11  
)  
ROMEO IUSCO and MONICA IUSCO ) Case No. 09 B 41945  
)  
Debtors and Debtors in Possession. ) Hon. Jacqueline P. Cox

ORDER APPROVING FIRST INTERIM APPLICATION OF  
FORREST L. INGRAM, P.C. FOR COMPENSATION AND REIMBURSEMENT  
OF EXPENSES AS COUNSEL TO THE DEBTOR

Total Fees Requested:	\$21,958.00	Total Expenses Requested:	\$1,070.08
Total Fees Reduced:	<u>1,036.50</u>	Total Expenses Reduced:	<u>0.00</u>
Total Fees Allowed:	\$20,921.50	Total Expenses Allowed:	\$1,070.08

**TOTAL FEES AND EXPENSES ALLOWED: \$21,991.58**

The Court has underlined the attached time and expense entries which have been disallowed in whole or in part. The basis for each disallowance is disclosed by the numerical notation which appears next to each highlighted entry. The numerical notations refer to the enumerated paragraphs below.

**(1) Improper Allocation of Professional Resources**

The Court denies the allowance in part of compensation for the following task because a professional with a lower level of skill and experience or a paraprofessional could have performed the task. *See In re Pettibone*, 74 B.R. 293, 303 (Bankr. N.D. Ill. 1987) ("Senior partner rates will be paid only for work that warrants the attention of a senior partner. A senior partner who spends time reviewing documents or doing research a beginning associate could do will be paid at a rate of a beginning associate. Similarly, non-legal work performed by a lawyer which could have been performed by less costly non-legal employees should command a lesser rate." (Internal citations omitted)); *see also In re Wildman*, 72 B.R. 700, 710 (Bankr. N.D. Ill. 1987) (same); *In re Alberto*, 121 B.R. 531, 535 (Bankr. N.D. Ill. 1990) (determining use of partner appropriate where attendant complex legal issues warrant highly experienced practitioner).

**(7) Lumping**

The Court may impose a penalty for "lumping." *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987). "Lumping" is grouping several tasks into one time entry without breaking down the amount of time spent on each task. *See Matter of Hedstrom Corp.*, 333 B.R. 815, 823-24 (Bankr. N.D. Ill. 2005). Lumping of services makes it difficult for one to determine the necessity of each task and whether the time spent on each task was reasonable. *Id.* at 823.

Courts faced with lumping of services in fee petitions have either denied them outright or deducted a certain percentage from the amount requested. *Id.* at 824. A ten percent penalty is an appropriate penalty for "lumping." *See Wildman*, 72 B.R. at 709.

**(13) No Benefit to the Estate**

The Court denies requests for fees relating to services that do not benefit the estate or that are not necessary to the administration of the case. 11 U.S.C. § 330(a)(4)(A). An attorney's internal work to determine whether the attorney's firm satisfies the disinterestedness requirement of section 327 of the Bankruptcy Code does not provide benefit to the estate and is not compensable.

**(14) Computational or Typographical Error**

The Court denies the allowance of compensation for the following tasks because the amount of fees appears to be a computational or typographical error. Also, where there are two identical entries (same day, same tasks, same time billed), the Court will consider one of the entries to be a typographical error.

Forrest L. Ingram, P.C. is authorized to apply \$7,291.00 of the remaining Chapter 11 retainer and filing fee advance to the fees and costs awarded.

The Debtors are authorized to pay Forrest L. Ingram, P.C. the remaining balance of fees and costs awarded, \$14,700.58.

IT IS SO ORDERED.

DATED: April 19, 2010

ENTER:

*Jacqueline P. Cox*

*JGx*

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Jacqueline P. Cox  
U.S. Bankruptcy Judge

Forrest L. Ingram, P.C. Attorneys and Counsellors 79 W. Monroe, Suite 900 Chicago, IL 60603-4907				Iusco			
Date	Nature	Item	Atty	Time	Fee		
11/4/09	Admin	Meet with Romeo and Monica Iusco re data needed for chapter 11 filing; review CCCs. Direct MO to research issues relating to emergency filing.	FLI	1.5	\$660.00		
11/5/09	Admin	Review spreadsheets from Monica; enter new data, correct errors, prepare for filing chapter 11.	FLI	0.5	\$220.00		
11/5/09	Admin	Spoke with Monica re details missing from list of creditors; make additions.	FLI	0.3	\$132.00		
11/5/09	Admin	Complete and file voluntary petition and 20 largest creditors in emergency filing.	FLI	0.4	\$176.00		
11/5/09	Admin	Direct MO to send notice of the chapter 11 to Edmund Burke and to Judicial Sales Corporation to halt the sale scheduled for 10:30 A.M. today. Check that it was done immediately.	FLI	0.2	\$88.00		
11/5/09	Admin	Print docket sheet; prepare folder.	FLI	0.1	\$44.00		
11/5/09	Admin	Spoke with Monica to inform her of chapter 11 filing.	FLI	0.1	\$44.00		
11/5/09	Admin	Direct MO to call Edmund Burke to make sure he is aware of the filing.	FLI	0.1	\$44.00		
11/5/09	Admin	meeting with FLI re: filing of Ch. 11	MOV	0.2	\$40.00		
11/5/09	Admin	drafted letter to opp counsel (Burke) re: bk stay and cancel the sheriff's sale	MOV	0.2	\$40.00		
11/5/09	Admin	fax to judicial sale re: cancel judicial sale of property	MOV	0.2	\$40.00		
11/7/09	Admin	filed CCC and dec of e-filing	MOV	0.2	\$40.00		
11/7/09	Admin	prepared motion to employ as counsel with affidavit and exhibits	MOV	0.7	\$140.00		
11/7/09	Admin	filed motion to employ as counsel and mailed to client	MOV	0.4	\$80.00		
11/12/09	Admin	Spoke with Monica re schedules, court hearings, and personal liabilities on LLC properties.	FLI	0.1	\$44.00		
11/13/09	Admin	Spoke with Monica re meeting to review new data for schedules.	FLI	0.1	\$44.00		
11/14/09	Admin	Meet with Romeo and Monica re information for schedules and SOFA. Direct VC to enter data.	FLI	0.8	\$352.00		
11/14/09	Admin	Meet with RI and MI to review detailed spreadsheets for schedules.	FLI	0.5	\$220.00		
11/14/09	Admin	Scan in and email to clients the update drafts of schedules A-J and SOFA.	FLI	0.2	\$88.00		
11/14/09	Admin	reviewed/revised schedule info	VC	1.6	\$280.00		

(13) pre-petition  
-660.00

(1) - 24.00

Forrest L. Ingram, P.C. Attorneys and Counselors 79 W. Monroe, Suite 900 Chicago, IL 60603-4907						Iusco
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11/14/09	Admin	Meet with RI and MI to review detailed spreadsheets for schedules.	FLU	0.5	\$220.00	
11/14/09	Admin	Scan in and email to clients the update drafts of schedules A-J and SOFA.	FLU	0.2	\$88.00	
11/14/09	CM	Review state court foreclosure actions against Debtors' properties and discuss motion to compel receiver to turn over the properties to the Debtor.	FLU	0.3	\$132.00	
11/14/09	CM	Meet with RI and MI to determine priorities with respect to properties in the hands of a receiver.	FLU	0.5	\$220.00	
11/14/09	CM	Draft letter to Ed Burke re turnover of property to the debtors by the receiver.	FLU	0.5	\$220.00	

(7) - 10% (\$66.00)

(1) - 1 24.00

EXHIBIT C

12/1/09	Admin	Email to client re: list of issues which need to be addressed before amended schedules can be filed	PG	1.4	\$245.00
12/3/09	Admin	Schedule Update: Schedule B, SOFA	PG	0.7	\$122.50
12/4/09	Admin	Schedules A-E, G-J finalization	PG	4.7	\$822.50
12/7/09	Admin	Statement of Financial Affairs finalization	PG	2.0	\$350.00
12/7/09	Admin	Schedule F finalization	PG	0.8	\$140.00
12/7/09	Admin	Email to client re: form b26 reporting requirements	PG	0.2	\$35.00
12/7/09	Admin	Filing schedules	PG	0.8	\$140.00
12/8/09	Admin	Preparation for 341 meeting	PG	0.8	\$140.00
12/8/09	Admin	341 meeting	PG	0.7	\$122.50
12/11/09	Admin	Email to client re: November operating reports due	PG	0.1	\$17.50
12/15/09	Admin	Phone call with client re: Form B26 and monthly operating report requirements	PG	0.3	\$52.50
12/15/09	Admin	Preparation (.3) and filing (.2) of monthly cash summaries	PG	0.5	\$87.50
1/18/10	Admin	Filing of December disbursement summary	PG	0.2	\$39.00
1/23/09	Resrch	Researching how to get Lis Pendens removed	Clerk2	0.7	\$63.00
1/29/10	Admin	Dropping off documents to Judge Cox's Chambers	Clerk2	0.3	\$27.00

Total by Attorney		FLU	21.1	9335
		MOV	43	8842
		VC	2.2	397
		PG	18.8	3294
		Clerk2	1	90
Total			86.1	\$21,958.00

(14) - 2140.00  
(14) - 2122.50